

544

FILED

JUN 28 2002

AT 8:30
WILLIAM T. WALSH
CLERK

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962-1981
(973) 538-0800
FEDERAL BAR NO. RG-6618

Attorneys for Plaintiffs, THE PRUDENTIAL
INSURANCE COMPANY OF AMERICA, et al.

THE PRUDENTIAL COMPANY OF
AMERICA, et al.,

Plaintiffs,

vs.

UNITED STATES GYPSUM COMPANY, et
al.,

Defendants.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CIVIL ACTION NOS. 87-4227 (HAA)
87-4238 (HAA)

**CERTIFICATION OF PLAINTIFFS'
COUNSEL IN SUPPORT OF MOTION TO
CERTIFY, AS FINAL JUDGMENTS,
ORDERS GRANTING SUMMARY
JUDGMENTS TO DEFENDANTS U.S.
GYPSUM AND U.S. MINERAL
PRODUCTS CO.**

I, Robert J. Gilson, Esq., of full age, hereby certify and say:

1. I am an attorney at law of the State of New Jersey and I have been admitted to practice before the United States District Court for the District of New Jersey. I am a partner with the law firm of Riker, Danzig, Scherer, Hyland & Perretti LLP ("Riker Danzig"), co-counsel for plaintiffs, The Prudential Insurance Company of

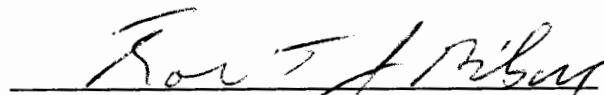
America, PIC Realty Corporation and 745 Property Investments (collectively, "Prudential") in the above-captioned matters.

2. This Certification is being submitted in support of plaintiff's Motion to certify as final judgments under Rule 54(b) the Orders granting summary judgments to defendants United States Gypsum ("U.S. Gypsum") and United States Mineral Products Co. ("USMP").

3. Attached to this Certification are true and correct copies of the following:

- Exhibit A: An Order granting summary judgment in favor of defendant U.S. Gypsum, dated and filed on June 20, 2001;
- Exhibit B: An Order granting summary judgment in favor of defendant USMP dated and filed on July 12, 2001 and entered on the docket on July 13, 2001;
- Exhibit C: An Order entered by the United States Court of Appeals for the Third Circuit and dated April 3, 2002;
- Exhibit D: Two Orders entered by the United States Bankruptcy Court for the District of Delaware; one Order in the matter of In Re: USG Corporation, Case No. 01-2094 (RJN), modifying the automatic stay and dated April 30, 2002; another Order in the matter of In Re: U.S. Mineral Products Co., et al., Case No. 01-2471 (RJN), modifying the automatic stay and dated May 2, 2002.

I certify and declare that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I could be subject to punishment.


Robert J. Gilson

Dated: June 27, 2002

EX.A

537

FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED
WILLIAM T. WALSH, CLERK

2001 JUN 20 P 1:21

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA, ET AL.,

Plaintiffs,

v.

UNITED STATES GYPSUM COMPANY
ET AL.,

Defendants.

Civ. No. 87-4227 ✓

Civ. No. 87-4238

(HAA)

UNITED STATES
DISTRICT COURT

ORDER

FILED

JUN 20 2001

AT 8:30 M
WILLIAM T. WALSH
CLERK

ENTERED

ON
THE DOCKET

JUN 20 2001

By WILLIAM T. WALSH, CLERK
(Deputy Clerk)

Ackerman, D.J.

This matter having come before the Court on a motion by defendant United States Gypsum Company ("Gypsum") for partial summary judgment against plaintiff, the Prudential Insurance Company of America ("Prudential") on the grounds of *res judicata* or lack of subject matter jurisdiction; for summary judgment dismissing Prudential's Racketeer Influenced and Corrupt Organizations Act ("RICO") claims as barred by the statute of limitations; and for summary judgment dismissing Prudential's RICO claims on substantive grounds, and this court having considered the arguments of counsel for Gypsum and for Prudential, and for the reasons set forth in an opinion issued this same day:

IT IS on this 20th day of June, 2001,

ORDERED that Gypsum's motion for summary judgment as to the Gaslight Tower of

Twin Towers; Northland Towers; Five Penn Center; One Embarcadero Center; Two

Embarcadero Center; Prudential Plaza, Denver; and Renaissance Tower is GRANTED; and IT IS

ORDERED that Gypsum's motion for summary judgment as to the South Tower of the Twin Towers and Century Center IV is denied; and IT IS

ORDERED that Gypsum's motion for summary judgment dismissing Prudential's Racketeer Influenced and Corrupt Organizations Act ("RICO") claim as barred by the statute of limitations is GRANTED; and IT IS

ORDERED that Prudential's remaining state-law claims are dismissed.

A handwritten signature in black ink, appearing to read "Harold A. Ackerman", written over a horizontal line.

Hon. Harold A. Ackerman, U.S.D.J.

Ex.B

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

THE PRUDENTIAL INSURANCE OF
AMERICA, ET AL.

Plaintiffs,

vs.

UNITED STATES GYPSUM COMPANY,
ET AL.

ENTERED

ON
THE DOCKET

JUL 13 2001

WILLIAM T. WALSH, CLERK

By _____
(Deputy Clerk)

CIVIL ACTION

87-4227 (HAA)

87-4238 (HAA)

FILED

JUL 12 2001

AT 8:30
WILLIAM T. WALSH
CLERK

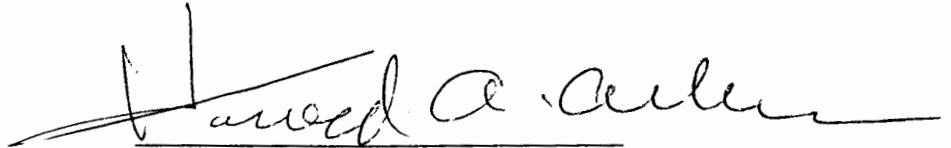
**ORDER GRANTING PARTIAL SUMMARY JUDGMENT IN FAVOR OF
DEFENDANT, UNITED STATES MINERAL PRODUCTS COMPANY**

This matter having come before the Court on motion by defendant, United States Gypsum Company ("Gypsum"), for partial summary judgment against plaintiff, The Prudential Insurance Company of America ("Prudential") on the grounds of *res judicata* or lack of subject matter jurisdiction; for summary judgment dismissing Prudential's Racketeer Influenced and Corrupt Organizations Act ("RICO") claims as barred by the statute of limitations; and for summary judgment dismissing Prudential's RICO claims on substantive grounds; and defendant, United States Mineral Product Company ("USMP"), having joined in Gypsum's motion for summary judgment dismissing the RICO claims as barred by the statute of limitations and for summary judgment dismissing Plaintiff's RICO claims on substantive grounds, and this Court having considered the arguments of counsel for Gypsum, in which USMP joined, and the arguments of Prudential, and for the reasons set forth in the Court's opinion issued June 20, 2001;

IT IS on this 12th day of July, 2001,

ORDERED that Plaintiff's Racketeer Influenced and Corrupt Organizations Act claim against United States Mineral Products Company be and hereby is dismissed as barred by the statute of limitations; and it is further

ORDERED that Prudential's remaining state-law claims against United States Mineral Products Company be and hereby are dismissed.

A handwritten signature in cursive script, reading "Harold A. Ackerman", written in black ink. The signature is fluid and extends across the width of the page.

Hon. Harold A. Ackerman, U.S.D.J.

EX.C

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

February 8, 2002

C-52

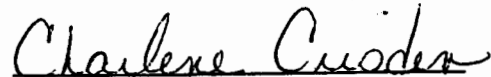
No. 01-2975

Prudential v. United States Gypsum

On Appeal from the United States District Court for the District of New Jersey
D.C. No. 87-cv-04238

Present: SCIRICA, AMBRO and STAPLETON, Circuit Judges

1. Clerk's submission for Possible Dismissal of Appeal due to a Jurisdictional Defect.
2. Response by Appellants to the Clerk's Letter Regarding Possible Dismissal.
3. Response by Appellee, US Gypsum Co. to the Clerk's Letter Regarding Possible Dismissal.
4. Response by Appellee, WR Grace & Co. to the Clerk's Letter Regarding Possible Dismissal.
5. Response by Appellee, United States Mineral Products Company to Clerk's Letter Regarding Possible Dismissal.



Charlene Crisden

Case Manager 267-299-4923

ORDER

~~XXXXXXXXXX~~

Because the order appealed does not dismiss all claims as to all parties and is not certified by the District Court under Fed. R. Civ. P. 54(b), the order is not appealable at this time. Andrews v. United States, 373 U.S. 334 (1963). Accordingly, the appeal is dismissed for lack of appellate jurisdiction.


Circuit Judge

Dated: ~~10 03 2002~~

CLC/CC: DB, RSG, RAH, KMD

ASM, NM

Ex.D



#2240

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

ORIGINAL

In re)	Chapter 11
)	
USG CORPORATION, a Delaware)	Case No. 01-2094 (RJN)
corporation, <u>et al.</u> ,)	
)	Jointly Administered
Debtors.)	

ORDER MODIFYING THE AUTOMATIC STAY (REGARDING DOCKET NO. 2031)

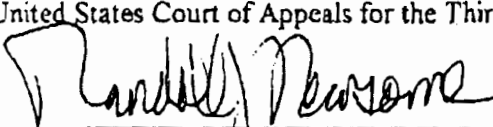
THIS MATTER having come before the Court on the motion (the "Motion") of Prudential Insurance Company of America, PIC Realty Corporation, and 745 Property Investments (the "Claimants") for an order modifying the automatic stay, and the Court having considered the papers submitted in connection with the Motion, and the Court having heard oral argument; and for cause shown;

IT IS HEREBY ORDERED THAT:

1. The Claimants' Motion to lift the automatic stay pursuant to 11 U.S.C. § 362(d)(1) is GRANTED only to the extent provided below.

2. The Claimants are permitted to (i) request the United States District Court for the District of New Jersey (the "New Jersey Federal Court") to certify the Order dated June 20, 2001 (the "Order"), which was issued by the New Jersey Federal Court in the Claimants' litigation against U.S. Gypsum and other parties, as a final judgment against U.S. Gypsum in accordance with Rule 54(b) of the Federal Rules of Civil Procedure, and (ii) if the Order is certified as a final judgment, appeal the Order to the United States Court of Appeals for the Third Circuit.

Dated: April 30, 2002


 The Honorable Randall J. Newsome

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

ORIGINAL

In re)	Chapter 11
)	
U.S. MINERAL PRODUCTS)	Case No. 01-2471(RJN)
COMPANY, et al.)	
)	Jointly Administered
Debtors.)	

ORDER MODIFYING THE AUTOMATIC STAY (REGARDING DOCKET NO. 398)

THIS MATTER having come before the Court on the motion (the "Motion") of Prudential Insurance Company of America, PIC Realty Corporation, and 745 Property Investments (the "Claimants") for an order modifying the automatic stay, and the Court having considered the papers submitted in connection with the Motion, and the Court having heard oral argument; and for cause shown;

IT IS HEREBY ORDERED THAT:

1. The Claimants' Motion to lift the automatic stay pursuant to 11 U.S.C. § 362(d)(1) is GRANTED only to the extent provided below.
2. The Claimants are permitted to (i) request the United States District Court for the District of New Jersey (the "New Jersey Federal Court") to certify the Order dated July 13, 2001 (the "Order"), which was issued by the New Jersey Federal Court in the Claimants' litigation against United States Mineral Products Company ("USMP") and other parties, as a final judgment against USMP in accordance with Rule 54(b) of the Federal Rules of Civil Procedure, and (ii) if the Order is certified as a final judgment, appeal the Order to the United States Court of Appeals for the Third Circuit.

Dated: May 2, 2002


The Honorable Randall J. Newsome